

STATE OF WASHINGTON

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



OFFICE OF
INSURANCE COMMISSIONER

1253 06/01/05 15,000.00 ✓

In The Matter Of:

AMERICAN CANCER SOCIETY, INC.

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No. D05-287

CONSENT ORDER
LEVYING A FINE

Comes Now the Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.01.020 and RCW 48.02.080 and RCW 48.38.050, and having reviewed the official records and files of the Office of the Insurance Commissioner, makes the following:

FINDINGS OF FACT:

1. AMERICAN CANCER SOCIETY, INC. is a charitable organization registered under Chapter 48.38 RCW holding Certificate of Exemption #76 to issue charitable gift annuities in the State of Washington.
2. AMERICAN CANCER SOCIETY, INC. is required, under RCW 48.38.010(10), to submit its Annual Report, Actuarial Certification, and annual filing fee on or before March 1 for the preceding report year.
3. AMERICAN CANCER SOCIETY, INC. submitted its 2004 Annual Report, Actuarial Certification and filing fee on or about April 4, 2005; all three items being due on or before March 1, 2005.

Based upon the foregoing Findings of Fact, the Commissioner makes the following:

CONCLUSIONS OF LAW

1. AMERICAN CANCER SOCIETY, INC. by and through the conduct described above has violated RCW 48.38.010(10).
2. RCW 48.38.050 authorizes the Insurance Commissioner to impose a fine in lieu of the suspension or revocation of a organization's certificate.
3. The organization committed the following violation(s) of Washington law:
 - a. The organization failed to meet the filing deadline as required by statute.

CONSENT TO ORDER

AMERICAN CANCER SOCIETY, INC. consents to entry of this Order, waives further administrative or judicial proceedings in this matter, and acknowledges its duty to comply fully with the applicable laws of the State of Washington. The Commissioner has offered a settlement in lieu of suspending or revoking the Certificate of Exemption.

By agreement of the parties, the OIC will impose a fine of \$5,000.00 on condition that:

1. Within thirty days, AMERICAN CANCER SOCIETY, INC. pays to the OIC the full amount of the fine.
2. AMERICAN CANCER SOCIETY, INC. commits no further violations of the statutes and regulations that are the subject of this Consent Order.
3. AMERICAN CANCER SOCIETY, INC. voluntarily consents to this order to resolve the issues and conduct described herein and with the understanding that the payment of the amount due is a condition to avoiding suspension or revocation of the Certificate of Exemption.

EXECUTED this 24 day of May, 2005.

AMERICAN CANCER SOCIETY, INC.

By: Catherine E. Mickle

Printed Name: Catherine E. Mickle

Chief Financial Officer
Typed Corporate Title: _____

ORDER OF THE INSURANCE COMMISSIONER

NOW, THEREFORE, pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

1. AMERICAN CANCER SOCIETY, INC. is ordered to pay a fine in the amount of \$5,000.00 upon the condition that AMERICAN CANCER SOCIETY, INC. fully complies with the laws and regulations of the State of Washington which are the subject of this Order; and
2. Upon failure to pay the fine within the time limit set forth above, the sum will be recoverable in a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington, pursuant to RCW 48.38.050.

ENTERED AT TUMWATER, WASHINGTON, this 6th day of June, 2005.

MIKE KREIDLER,
Insurance Commissioner

By: James T. Odiorne

James T. Odiorne

Deputy Insurance Commissioner